

Report Date: February 27, 2006

PROB 12B  
(7/93)**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAR 06 2006

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender****JAMES R. LARSEN, CLERK**  
**DEPUTY**  
**SPOKANE, WASHINGTON***(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: David Allen Vickers

Case Number: 2:98CR00121-001

Name of Sentencing Judicial Officer: The Honorable Justin L. Quackenbush

Date of Original Sentence: 12/18/1998

Type of Supervision: Supervised Release

Original Offense: Counts 1 & 2: Delivery of a  
Controlled Substance, 21 U.S.C. § 841;  
Count 3: Possession of a Controlled Substance With  
Intent to Deliver, 18 U.S.C. § 2;  
Count 4: Conspiracy to Distribute a Controlled  
Substance, 21 U.S.C. § 846;  
Counts 5, 6 & 7: Unlawful use of a Communication  
Facility, 21 U.S.C. § 843(b)

Date Supervision Commenced: 7/22/2005

Original Sentence: Prison - 94 Months; TSR - 60  
Months

Date Supervision Expires: 7/21/2010

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 16 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
- 17 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.
- 18 You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

**CAUSE**

The offender was recently arrested for two driving under the influence offenses, indicating a significant alcohol abuse problem. The Court was previously advised of these arrests in a petition dated February 15, 2006, and a revocation hearing is pending. It is believed that the modifications to abstain from alcohol, urine and Breathalyzer testing and not enter any establishment where the chief item of sale is alcohol is necessary to address these concerns and assist

Prob 12B

**Re: Vickers, David Allen**

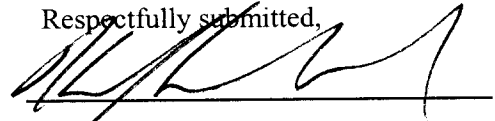
**February 27, 2006**

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the probation officer in monitoring and controlling the offender's substance abuse. In addition, to be in compliance with recent 9<sup>th</sup> Circuit case law, the offender's urine and alcohol testing conditions must delineate a specific number of tests. The offender has agreed to the modification and has signed a waiver, which is enclosed for the Court's review. It is respectfully recommended that the Court approve the modifications indicated.

Respectfully submitted,

by



Kevin Crawford

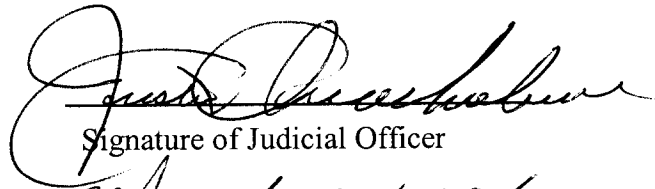
U.S. Probation Officer

Date: February 27, 2006

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### THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

March 2, 2006

Date

# United States District Court

## Eastern District of Washington

### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

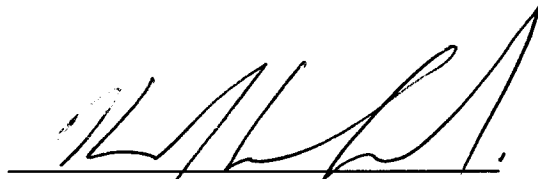
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

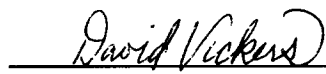
To modify the conditions of supervision as follows:

16. You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
17. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.
18. You shall not enter into, or remain in any establishment where alcohol is the primary item of sale.

Witness:

  
Kevin Crawford  
U.S. Probation Officer

Signed:

  
David Vickers  
Probationer or Supervised Releasee

February 27, 2006

Date